

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

FIREMAN'S FUND INSURANCE :
COMPANY :
As Subrogee of :
Thirty Four Lime Street Trust, et al. :
777 Marin Drive :
Novato, California 94998 :
Plaintiff :
V. :
C. H. NEWTON CONTRACTORS :
and :
ALAIRE PLUMBING & HEATING :
Defendants :

CIVIL ACTION NO.
1:05-CV-30089 (RGS)
MAY 5, 2006

PLAINTIFF FIREMAN'S FUND'S RULE 26(a)(2)(B)
DISCLOSURE OF EXPERT WITNESS

NAME AND ADDRESS OF WITNESS

Anthony D' Ambrosio, PE
ADA Engineering
271 Main Street, Suite 305
Stoneham, MA 02180

SUBJECT MATTER ON WHICH THE EXPERT IS EXPECTED TO TESTIFY

Mr. D'Ambrosio is expected to testify concerning his investigation and opinions regarding the cause and origin of the January 26, 2004 water loss that occurred at the residence of James and Katherine Curtis, located at 34 Lime Street, Boston.

THE SUBSTANCE OF THE FACTS AND OPINIONS TO WHICH THE EXPERT IS EXPECTED TO TESTIFY

Mr. D'Ambrosio is expected to testify that, based upon his investigation and inspection, the origin of the January 26, 2004 water loss was a pipe break in the cold water supply line connected to a hose bibb on the roof deck. Mr. D'Ambrosio is further expected to testify that the cause of the January 26, 2004 pipe break was the failure of the general contractor and/or plumber to properly isolate the exterior hose bibb with a shut off valve, and failure to observe the potential danger of allowing this piping to be walled in with no available access point. Mr. D'Ambrosio's further opinions are expressed in the attached report.

SUMMARY OF THE GROUNDS FOR EXPERT'S OPINION

Mr. D'Ambrosio will testify based on his education and experience as a professional engineer, as well as his investigation and his inspections of the premises located at 34 Lime Street, Boston. A list of Mr. D'Ambrosio's qualifications and fee schedule is attached.

THE PLAINTIFF,

By: 

Erik Loftus, Esq.

Law Offices of Stuart G. Blackburn

Two Concorde Way

P. O. Box 608

Windsor Locks, CT 06096

860-292-1116

BBO# 656315

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CERTIFICATE OF SERVICE

FIREMAN'S FUND INSURANCE
COMPANY
As Subrogee of
Thirty Four Lime Street Trust, et al.
777 Marin Drive
Novato, California 94998
Plaintiff

CIVIL ACTION NO.
1:05-CV-30089 (RGS)

v.

C. H. NEWTON CONTRACTORS
and
ALAIRES PLUMBING & HEATING
Defendants

MAY 5, 2006

I hereby certify that on **MAY 5, 2006**, a copy of foregoing **PLAINTIFF FIREMAN'S FUND'S RULE 26(a)(2)(B) DISCLOSURE OF EXPERT WITNESS** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ ERIK LOFTUS, ESQ.

Erik Loftus, Esq., BBO# 656315
Law Offices of Stuart G. Blackburn
Two Concorde Way
P. O. Box 608
Windsor Locks, CT 06096
860-292-1116

EXHIBIT

■ ADA Engineering Inc.

February 6, 2004

Mr. Colin Simson
LZA Technology/Thornton Tomasetti Group
31 Milk Street, Suite 810
Boston, MA 02109

Re: **34 LIME STREET, BOSTON (K4145)**
Site Visit Report of 02/04/04

Dear Colin:

This letter summarizes our findings from the 2/4/04 site visit to inspect the freeze-up damage.

Observations

Inspection of the structure showed clear evidence of water damage extending from the top level to the basement level and all floors in between. Damage was evident at floors, ceilings, walls and cabinets.

The observed damage seems consistent with a water line break behind a wall behind a cabinet on the top floor. Although the piping seems to be in a pipe chase, the chase does not extend straight down to the basement, which would have minimized the extent of the damage. The chase only extends for two floors and then offsets to a different location.

The pipe break occurred in the domestic cold water line supplying a hose bibb on the roof deck. The break occurred at the top of the 90° elbow (the weakest point due to the reduced wall thickness when bent from a straight tube) approximately 4" from the exterior wall and was most likely due to a freeze-up in the line. The water line to the hose bibb did not appear to be part of the recent renovation but was installed when the exterior deck was completed (several years ago).

Although a ball valve was installed in the line prior to the hose bibb, this work was done following the freeze-up. No valve was in place at the time of the freeze-up. I was unable to verify whether the line supplying the exterior hose bibb was properly isolated with a valve located in the basement. The plumbing code requires every fixture to be isolated and requires provisions to prevent freeze-ups so that the line supplying the exterior hose bibb would be required to have a shut-off (drainable) inside the building.

Although the water line to the exterior hose bibb was installed some time ago, plumbing work was completed in the vicinity of this line; a washing machine was removed and the water services disconnected and a flexible gas line was extended to the roof deck.

As a minimum, the plumber and the general contractor involved in the recent renovations would or should have been aware that a potential freeze-up problem existed prior to closing the walls in.

271 Main Street, Suite 305
Stoneham, MA, 02180-3580

781 279-2800
Fax 781 279-3556

■ ADA Engineering Inc.

Mr. Colin Simson
February 6, 2004
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Conclusions

The water damage at this residence is consistent with the rupture of the water line to the exterior hose bibb at the roof deck. It is my opinion that the pipe burst from the cold temperatures transmitted through the hose bibb.

The exterior hose bibb should have been isolated and drained to prevent freezeups. I was unable to determine whether a shut off was installed inside the building to achieve this goal.

Although the piping appeared to have been in place prior to the recent renovation, work had been performed by the plumber and general contractor in the immediate vicinity. They should or would have observed the potential risk of freeze-up.

I am attaching photos of the existing conditions. Please call me if you wish to discuss in more detail.

Sincerely,

Anthony D'Ambrosio, PE

ADA/Jaa

Enclosures

(Letters/K4145)

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Fax 781 279-3556

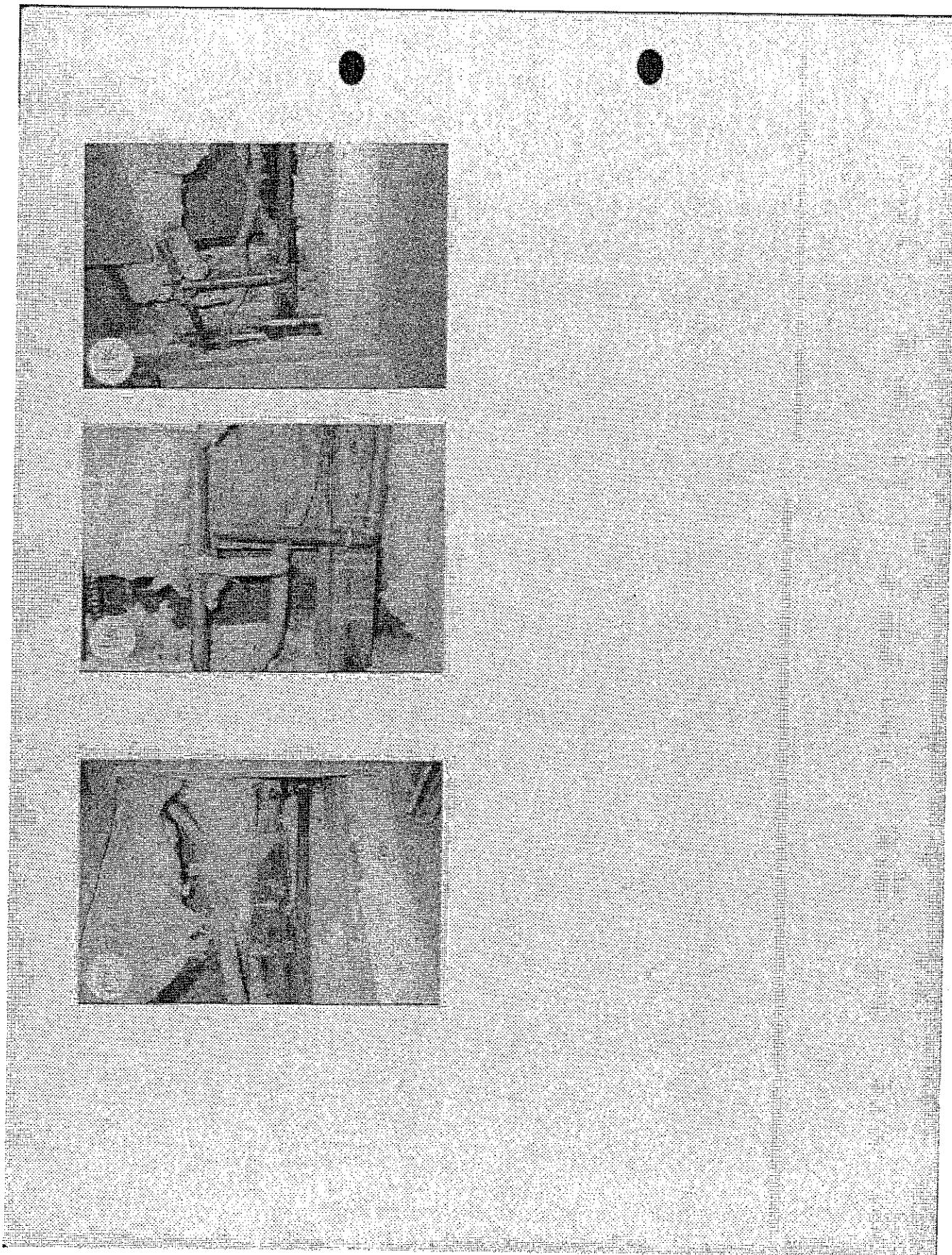
■ ADA Engineering Inc.

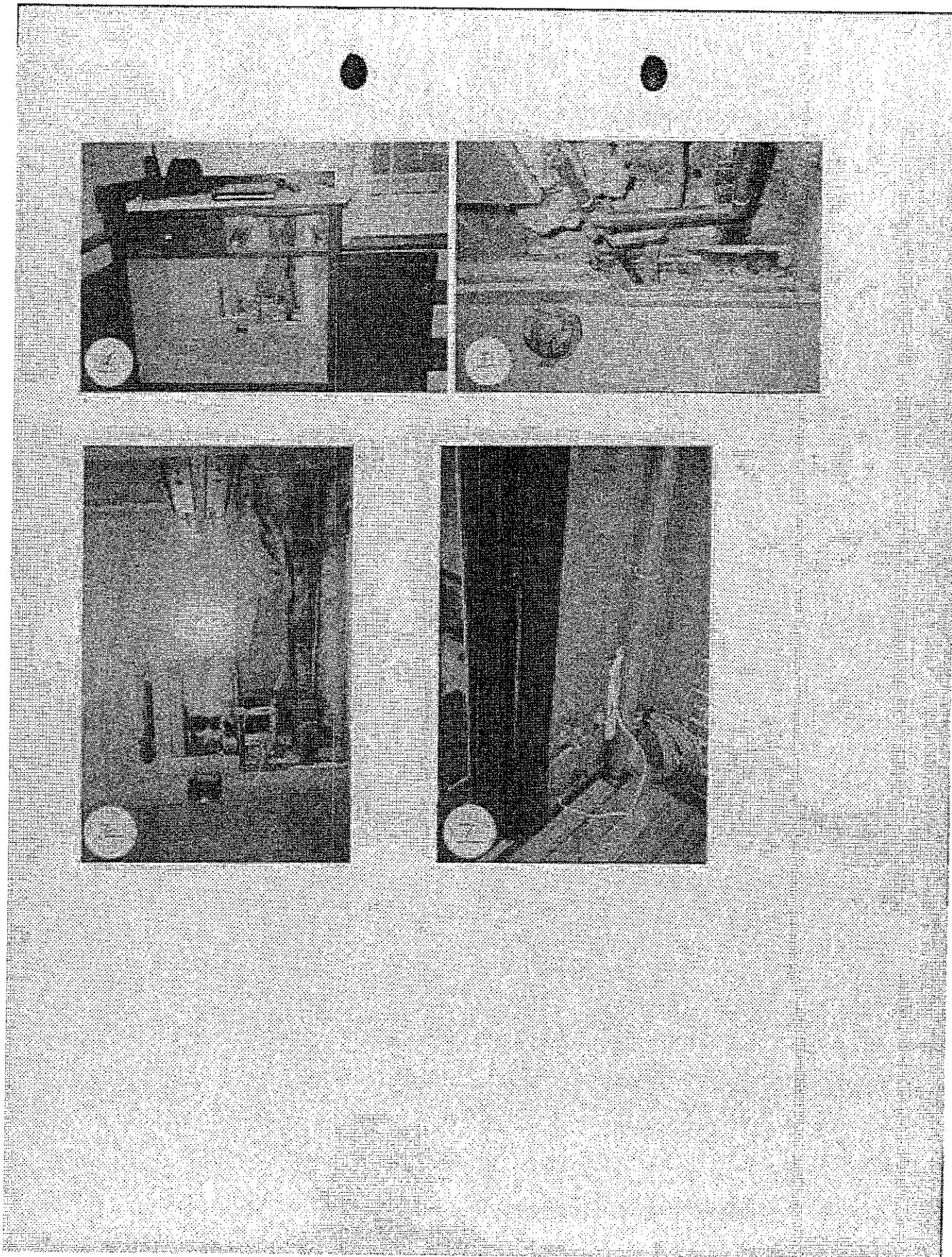
PHOTOS DESCRIPTION

- Photo 1: Location of freeze-up (Note: Door to deck in top right corner).
- Photo 2: Closer view of location of freeze-up (Note: Gas line in yellow – work completed by contractor. Old pipe capped in place by plumber for recent renovations).
- Photo 3: Close up of location of freeze-up (Note: Valve and piping is new).
- Photo 4: Close up view of freeze-up.
- Photo 5: Close up view of freeze-up (Note: New valve and pipe to hose bibb).
- Photo 6: Close up view of freeze-up (Note: Top right is location of elbow which ruptured).
- Photo 7: Location of hose bibb on roof deck (Note: Gas outlet behind rain spout, which was installed during recent renovation).

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■ ADA Engineering, Inc.

Anthony D'Ambrosio, PE

ADA Engineering, Inc.
271 Main Street, Suite 305
Stoneham, MA 02180
(781) 279-2800 ext. 13
email: DAMBROAX@AOL.COM

Mr. D'Ambrosio, is the original founder of ADA Engineering, Inc. and has 30 years of experience in the HVAC, Plumbing and Fire Protection design field. Mr. D'Ambrosio is experienced in overall project management and in the design and coordination of complex systems for laboratory, high tech, commercial and residential facilities. Mr. D'Ambrosio is skilled in identifying and providing solutions to existing problems and has completed numerous evaluations of existing mechanical systems as part of "due diligence" work and/or for litigation purposes.

Work Experience

President and Chief Mechanical Engineer, ADA Engineering, Inc. Stoneham, Massachusetts

March 1987 – Present

- Oversee company's daily operations
- Maintain current and prospective client relationships for marketing and sales aspects of the company
- Manage work load and provide technical supervision to Engineers and Designers.
- Perform investigations of problems with mechanical systems and provide solution.
- "Due Diligence" evaluations.
- Engineering design of HVAC, Plumbing and Fire Protection systems.

Mechanical Dept. Manager, Symmes Maini & McKee Associates Cambridge, Massachusetts

March 1985 - March 1987

- Responsible for all HVAC projects performed by the firm.
- Performed engineering on some projects and directed/supervised engineers on most projects.
- Projects include laboratory, high technology and commercial facilities for many Fortune 500 companies.

Mechanical Dept. Head, SAR Engineering, Inc.

Cambridge, Massachusetts

March 1983 – March 1985

- Responsible for all HVAC projects performed by the firm.
- Performed engineering on some projects.
- Projects include a variety of first class commercial buildings and residential complexes.

Project Engineer, Symmes Maini & McKee Associates

Cambridge, Massachusetts

March 1980 – March 1983

- Responsible for engineering, design and construction administration for HVAC work for research laboratories, computer rooms, manufacturing facilities.

Senior Mechanical Engineer, CE Maguire, Inc.

Waltham, Massachusetts

January 1978 – March 1980

- Responsible for engineering and construction administration for HVAC work.

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email: DAMBROAX@AOL.COM

HVAC Engineer, United Engineers & Constructors

Boston, Massachusetts

January 1977 – January 1978

- 7 month assignment to Cairo, Egypt as consultant to Raytheon Data Systems.
- Responsible for engineering and construction administration for HVAC work.

Education

Bachelor of Arts, New York University, 1979

Bachelor of Science in Mechanical Engineering, Northeastern University, June 1975

Somerville High School, June 1970

Professional Licenses

California, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts (Mechanical and Fire Protection), Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Washington DC

Professional Affiliations

Member of American Society of Professional Engineers

Diplomate of the American Board of Forensic Engineering and Technology

Certified Indoor Air Quality Professional

Construction Supervisor Licensee

Teaching Experience: Roger Williams College "Mechanical and Electrical Systems" 1983-1984

Pi Tau Sigma Mechanical Engineering Honor Society

References

Available upon request

■ ADA Engineering, Inc.

Terms and Fee Schedule

Invoices will be submitted monthly and are due in 10 days. The following rates apply and are portal to portal:

Investigation and Trial Preparation	\$175.00 per hour
Deposition/Trial Testimony	\$200.00 per hour
Expenses	Cost plus 10%
Personal Car Mileage	\$0.60 per mile
Air Fare and Hotel	Directly paid by Client
Overnight/Overtime per diem	\$80.00 per day

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